

## **ADMINISTRATIVE GUIDELINES**

### **COMMUTE TRIP REDUCTION ORDINANCE No. 1967**

#### **I. INTRODUCTION**

The intent of the City of Redmond Commute Trip Reduction (CTR) Ordinance is to improve air quality, reduce traffic congestion, and reduce the consumption of petroleum fuels through employer-based programs that encourage the use of alternatives to the single-occupant vehicle for commute trips. This ordinance fully meets the requirements of the 1991 Washington State Commute Trip Reduction Law.

The Ordinance applies to employers with one hundred (100) or more full-time employees at a single worksite scheduled to begin their workday between 6:00 am and 9:00 am weekdays. The Ordinance establishes goals for reducing commute trip vehicle miles traveled (VMT) and proportion of single-occupant vehicle (SOV) trips by the employees of affected employers. The goals are a reduction of fifteen (15) percent by 1995, twenty (20) percent by 1997, twenty-five (25) percent by 1999, and thirty-five (35) percent reduction by 2006.

The Administrative Guidelines are meant to be a flexible document that explains and interprets the CTR Ordinance with provision for amendments as needed. As the Commute Trip Reduction Ordinance is implemented, additional issues may arise that have been not been anticipated. The Administrative Guidelines are a means for responding quickly to changes as needed.

#### **Requirements For Employers**

Every affected employer located in the City of Redmond is required to develop and implement a Commute Trip Reduction program that includes strategies and elements that enable the employer to meet future goals. The CTR program must include the elements described below:

1. A general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees;
2. Number of employees affected by the CTR program; and total number of employees per site;
3. Documentation of compliance with the mandatory CTR program elements;
4. Description of the additional elements included in the CTR program;
5. Schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

#### **Employer Assistance**

The CTR ordinance, policies, and procedures have been designed in partnership with local jurisdictions. The City of Redmond administers the CTR ordinance and provides assistance to the following services which will be provided:

1. Employer assistance to develop and implement CTR programs;
2. Materials used to train employers;
3. Assessment of employers' programs and progress toward achieving trip reduction goals for the purpose of awarding credits to eligible employers; and
4. Maintain record of employer submittals and correspondence.

## **II. PROGRAM SUBMISSION AND IMPLEMENTATION DATES**

Affected employers have 180 calendar days from the effective date of this ordinance to submit CTR programs to the City of Redmond. The ordinance became effective March 26, 1993. A newly affected employer will have 150 calendar days from the date it is identified as an affected employer to submit a CTR program to the City. The program shall be implemented within 180 calendar days after initial submittal to the City. November 1<sup>st</sup> of each following calendar year is the annual submission date.

## **III. MANDATORY PROGRAM REQUIREMENTS**

### **Program Reporting Form**

All employers shall use the reporting form provided by the City for their initial program description, and subsequent annual CTR reports.

Transportation Management Associations (TMA) may use one report to describe common elements of members. The report shall include elements unique to each employer, and performance data for each employer.

### **Employee Transportation Coordinator**

The ordinance requires all affected employers to appoint an Employee Transportation Coordinator (ETC). The ordinance requires that the ETC's name, location and phone number be displayed prominently at each affected worksite. It also requires that the ETC oversee the elements of the CTR program, and serve as a liaison between the employer and the City. One ETC may serve all of an affected employer's worksites. The ETC need not be an employee of the affected employer.

In recognition of varying levels of efficiency of personnel and companies, the ordinance does not require any minimum time commitment for an ETC. However, the following recommendation should be considered when designing a program to meet the CTR goals: One full-time employee (FTE) ETC per 4000 full-time employees, with a minimum of 0.1 FTE (or 4 hours per week).

While there are no educational or experience requirements for ETC's, it is strongly recommended that the individual appointed to this role participate in a training session that the City has sponsored. It is also recommended that thought be given to appointing an individual as the ETC who is enthusiastic about the task, and that that person have the active support of management in accomplishing CTR goals.

## **Information Distribution**

The ordinance calls for "information about alternatives to DOV commuting" to be distributed:

- to employees at least once a year,
- to new employees at time of hire, and
- continuously through a transportation information center (TIC)

This information must contain a summary of the employer's program, and the name and phone number of the ETC. Other information that could be distributed includes information about bus routes, car and van pools looking for new members, subsidies offered by the company, and announcements of special employee promotions such as transportation fairs as well as a variety of other brochures and information handouts on ridesharing or use of alternatives to SOV commuting. Any type of information that would encourage employees to leave their SOV at home is relevant.

TIC's can be as simple as a dedicated bulletin board in the employee lunchroom, or as innovative as a regularly updated screen broadcast over the computer network. It is important, however, that they be available on a daily basis and easily accessible by all employees.

## **Survey**

Surveys are required during goal years (1995, 1997, 1999, 2001, and 2003). The employer has the option of using the State provided form or a form of their own design that has been approved by the City for equivalent data. The use of the State form is encouraged to assure consistency and for ease of processing. A substitute date for surveying may be requested, in writing, from the jurisdiction, when special circumstances make an alternate schedule a reasonable change from standard procedures. The City will respond, in writing, within 30 days from the date the request is received to either approve or deny the alternate schedule.

Survey Response Rates: Employers are required to achieve a seventy (70) percent minimum response rate. Surveys submitted with less than a seventy (70) percent response rate will not be considered valid, and employers will be asked to repeat the survey, or to make additional efforts to have missing responses returned. A survey that has a response rate of seventy (70) percent or greater will be considered representative of the entire employee population. All non-respondents up to one hundred (100) percent will be apportioned based upon the base year zone value (eighty-five (85) percent SOV). These response rates also apply to large employers who chose to survey a representative sample of their employee population. Employers applying for credit with their initial submittal, must achieve a seventy (70) percent response rate or the survey will be considered invalid.

Sampling: For worksites with 500 or more affected employees, sampling may be undertaken. If a sample is to be undertaken, it must conform to all guidelines recommended by the CTR Task Force. The sample must be random. Stratification should be done to ensure that all major work groups are represented in the sample. The employer shall demonstrate to the City that the sampling method is in accordance with generally accepted research sampling methods before

sampling is undertaken. The sampling plan must be approved by the City before the employer draws its sample.

Procedures For State Processing: Affected employers will return the state-provided measurement surveys to the CTR Coordinator at the City of Redmond who will send the completed forms to the University of Washington for processing. Processing of State surveys will be provided at no cost to the employers if they are received within the time frame outlined in the City-sponsored Survey Training meetings. Questionnaires are returned approximately two weeks after processing along with a CTR Survey Report. The report will detail results of the surveys and will include a guide to help interpret results.

Procedures For Employer Processing: The employer may enter and tabulate the State-provided survey should they so choose. If the employer undertakes data entry of its surveys, that entry should be done to professional standards, where data entry staff verify at least twenty (20) percent of the surveys by re-entering and checking for errors. If an employer does data entry and tabulation, it shall provide access to the raw survey data file to the City for verification purposes. Employers are responsible for reporting their results to the City within three months of the required survey date in goal years.

### **Record Keeping**

Affected employers shall maintain all records required to document the performance of their accepted or approved CTR program for the purpose of verification by the Program Reviewer. Employers are required or advised to maintain the records shown in Table 1.

### **Transportation Demand Management (TDM) Program List**

The affected employer shall choose a minimum of one (1) of the following elements to be included in their TDM program. A combination of elements may be appropriate for some employers.

Thresholds are to be used as guidelines; however, amounts may be adjusted if more than one element is used. An example of combining might be a bus pass subsidy at a less than thirty (30) percent value combined with a telecommuting program goal of five (5) percent of affected employees.

#### **Preferential Parking for HOV's**

This program is recommended if the number of employee parking spaces at the site are less than or equal to ninety (90) percent of the count of employees. Preferred, reserved space must be:

- located closest to employee entrances;
- at a minimum count of ten (10) percent of all spaces;
- with guarantee for added spaces as needed;
- signed, monitored, and enforced.

**Program Participation Subsidies**

Monthly subsidies should meet or exceed:

- one-hundred (100) percent of the cost of a two-zone peak bus pass for transit users or the maximum contribution allowed under IRS regulation
- OR
- thirty (30) percent of the cost of a two-zone peak bus pass for bus, vanpool, carpool, walk and bike commuters

**Compressed Work Week**

Affected employees utilizing such schedules should meet or exceed:

- ten (10) percent of work force on 4/40 schedules
- OR
- twenty (20) percent of work force on 9/80 schedules

**Telecommuting Program**

Employees who telecommute should meet or exceed ten (10) percent of affected employees within one year.

**Vans for Vanpooling**

Employer shall lease/purchase and operate or purchase and dedicate to another provider vehicles sufficient to carry ten (10) of their affected employees (companies with 1000 employees would need 10, 10-passenger vans).

**TMA Participation**

Employer shall become a full member of a recognized Transportation Management Association (TMA) and provide evidence of participation in TMA program/services.

**Parking Charges**

The employer shall institute parking fees:

- for all SOV commuters arriving 6-9 am
- at a minimum monthly cost equal to twenty-five (25) percent of the cost of a two-zone bus pass
- cost not to exceed maximum allowed under IRS rules without affected added income to the employer

**Additional Transportation Demand Management Elements**

An employer's CTR program shall also include one or more of the following additional element(s):

- any element listed above that has not been selected;
- provision of commuter ride matching services;
- permitting the use of employer's vehicles for carpooling or vanpooling;
- flexible work schedules;

- cooperation with transportation providers to provide additional regular or express service to the work site;
- construction of special loading and unloading facilities for transit, carpool and vanpool users;
- provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;
- parking incentives such as a rebate for employees who do not use the parking facilities;
- guaranteed ride home or emergency taxi service program;
- special, on-site promotions or transportation fairs for alternatives to SOV commuting;
- implementation of other measures designed to facilitate the use of high-occupancy vehicles, including but not limited to on-site day care facilities, concierge service, or provision of company-provided vehicles for personnel use during break periods.

Table 1

Record	Required	Purpose
Annual program submittal form.	Yes	Proof of program submittal. Reference for program implementation.
Program element implementation dates.	Yes	Proof of timely program implementation. Reference for program success.
Materials distributed.	Yes	Proof of program implementation. Reference for program success.
Material distribution dates and methods.	Yes	Proof of timely program implementation. Reference for program success.
Program element participation levels.	Yes	Proof of program implementation. Proof of program participation.
Goal measurement survey response rates and results.	Yes	Annual report in goal measurement years.
Amount of ETC program manager time spent.	Optional	Proof of level of effort.
Official policy statements regarding program elements such as telecommuting, flex-time or subsidy.	Optional	Proof of program implementation.
Travel log of commuting behavior.	Optional	Program development Equivalent or supplemental data for required surveys.
Employee preference survey results.	Optional	Program development. Reference for program implementation.
Other travel results.	Optional	Program development. Reference for program implementation. Equivalent or supplemental data for required surveys.

## **Transportation Management Associations**

In lieu of submitting an initial CTR program and annual reports, an affected employer may join a Transportation Management Association (TMA) that submits a single program or annual report on behalf of its members. If a single report is submitted, the regular reporting form shall be used unless the City authorizes another form. In addition to describing program measures which are common to its members, the CTR program and annual report shall describe specific program measures that are unique to individual member's worksites. The TMA, as an agent for its members, shall provide performance data for each employer, as well as data aggregated from all TMA members to the City.

Each employer is responsible for meeting the requirements of the ordinance regardless of participation in a TMA. If an affected employer chooses to satisfy its CTR program requirements through a Transportation Management Association, notification, in writing, must be submitted to the City designating the TMA as agent at the time of program submittal.

## **IV. PROGRAM REVIEW AND APPROVAL**

The purpose of the program review and approval process is to provide feedback to employers on whether proposed trip reduction program elements will comply with ordinance requirements and meet CTR goals. The process will be a collaborative approach between the City and the individual employers to help employers achieve reductions in VMT per employee and SOV trip rates.

### **Principles for Program Review**

Reviewers will be looking for strategies that encourage walking, bicycling, telecommuting and flex-scheduling; as well as vanpooling, carpooling and riding the bus. Successful programs are likely to include the following:

Demonstrable support from management by allocation of staff time, resources and financial commitment, such as:

- visible support of participation by top management in CTR program;
- effective, active staff responsible for designing and implementing program;
- participation in available training/assistance opportunities;
- implementation of elements as described in program;
- adoption of company policies to support CTR goals; and
- willingness to change/expand program to achieve desired results.

Program elements tailored to employees' transportation needs, such as:

- a combination of transportation demand management (TDM) strategies that take into account employee characteristics and service availability specific to the site; and
- elements that make ridesharing alternatives more attractive than driving alone in terms of cost, time or convenience.

Active marketing of commute choices, such as:

- sustained marketing/promotional efforts; and
- print materials that reflect the corporate culture of the site.

The City will evaluate whether the affected employer has met either VMT or SOV trip reduction goals of:

- Fifteen (15) percent by January 1, 1995
- Twenty (20) percent by January 1, 1997
- Twenty-five (25) percent by January 1, 1999
- Thirty-five (35) percent by January 1, 2006

If an affected employer does not meet goals, the employer's annual program report must include revisions designed to reduce SOV/VMT rates. The employer should consider the extent of revision needed based upon:

- the discrepancy between achieved SOV rate and VMT reductions and the performance goals;
- the employer's history of SOV trip reduction since 1993;
- how comprehensive existing program is, based on the number and appropriateness of elements; and
- other special circumstances, documented by the employer.

The revised program will be evaluated by the Program Reviewer in terms of how much progress it is likely to achieve based upon an assessment of:

- the number/type of TDM elements that have been implemented;
- the appropriateness of activities to site and employees;
- the level of organizational commitment including: commitment of ETC time, and adherence to program implementation schedule;
- ETC training;
- the methods, extensiveness and frequency of information distribution; and
- the cost/convenience incentives offered for participating in a CTR program.



If an employer does not show a good faith effort to improve its trip reduction program and try to make appropriate progress toward goals, either by a proposed revision or subsequent suggestions discussed with the program reviewer, the jurisdiction will disapprove, with the responsibility under RCW 70.94.534 to require specific program revisions to bring the site into compliance.

A program will be approved if it demonstrates compliance with mandatory elements and implementation of an approved program.

The employee participation rates will be compared to previous years. If the site did not meet either goal in the previous goal measurement year and participation levels are equal or less than those reported the previous year, revisions will be required.

## **V. PROGRAM EXCEPTIONS**

To account for special characteristics of an organization or its location which affect an employer's ability to meet the requirements, the program review process allows employers to request exceptions to the required procedures. An exception is defined as an adjustment to any of the following requirements shown in Table 2 and Table 3.

Table 2

<b>EMPLOYER REQUIREMENTS</b>	<b>EXCEPTION REQUEST TYPE</b>
Reporting program progress	Program Credit; Exemption
Deadlines for submitting program reports	Extension
Number of employees to which goal measurement is applied	Affected Employee Adjustment
Baseline values	Zone Modification
Implementation of program elements	Program Modification

### Implementation Timing:

Table 3

<b>EXCEPTION REQUEST TYPE</b>	<b>EMPLOYER'S REQUEST DUE</b>	<b>RESPONSE DUE TO EMPLOYER</b>
<b>Credit</b> Initial year (1993) Subsequent years	90 days after notification With annual report submittal	60 days after request received With program approval
<b>Exemption</b> Initial year (1993) Subsequent years	90 days after notification As needed	30 days after request received
<b>Extension</b>	7 days before applicable deadline	10 days after request received
<b>Affected Employee Adjustment</b> Initial year (1993) Subsequent years	60 days before program submittal With annual report	30 days after request received 60 days after request received
<b>Zone Modification</b>	90 days after notification	60 days after request received
<b>Program Modifications</b>	As needed prior to annual report	30 days after request received

Exception Process: Employers must request consideration for an exception. The City will provide a form for describing the conditions which would make the employer unable to meet the program requirements, or, in the case of program credit, allow reporting relief. The employer must return the form to the City by certified mail, return receipt or delivery.

The City will review the submitted materials and compare the situation documented in the request to other affected organizations in a similar situation, similar organizations, and/or organizations in the same zone to determine a recommendation. The City will make the final decision on extension requests. The Exception Process Chart details the time line which will be followed for any of the different exceptions.

## **VI. PROGRAM CREDIT**

Requests for credit and exemptions will be required in advance of program submittal.

Program credit can be requested when an employer is seeking a reduction of reporting requirements because the site has already met a future goal.

### ***Criteria***

Demonstration of the following reductions from zone base year values for SOV trips and VMT per employee rate:

- in 1995, the employer has achieved a seventy-two (72) percent SOV rate and a 7.9 mile VMT;
- in 1997, the employer has achieved a sixty-seven (67) percent SOV rate and a 7.9 mile VMT;
- in 1999, the employer has achieved a sixty-four (64) percent SOV rate and a 6.0 mile VMT and;
- in 2006, the employer has achieved a fifty-five (55) percent SOV rate and a 6.0 mile VMT.

There are three allowable data sources:

- the State goal measurement survey conducted during that goal year or;
- results from equivalent data, with prior approval from the City.

***Result if Approved:***

Employer will be exempt from annual reporting requirements in non-goal measurement years associated with their measurable success rates.

**VII. EXEMPTION**

Employer is seeking a waiver from implementing the law because it feels it is unable to meet any program requirements.

***Criteria***

Business conditions, site characteristics and organizational factors make it unfeasible to implement even the minimum requirements of a CTR program in the following year. Conditions considered are:

- type of organization;
- type of job categories; and
- the special circumstances of the site

Examples of conditions that may meet criteria include:

- bankruptcy;
- financial reorganization;
- severe employee reductions below the threshold level;
- merger with company with existing program;
- strike; or
- significant numbers of employees must drive alone to work due to unique schedule or work requirements, but do not meet the criteria for an Affected Employees Adjustment; and
- a change in location.

***Result if Approved:***

Employer will be exempt from complying with the law for one year. Employer will be reviewed annually to ascertain if condition is resolved; if so, it will be expected to comply with established deadlines for program review.

**VIII. EXTENSION**

Employer is seeking additional time to meet deadlines because it feels it is making a good faith effort, but cannot make its deadline.

***Criteria***

Program development is in process, but will not be complete on time.

Implementation of the program is delayed.

Examples of conditions that may meet the criteria include:

- internal management review incomplete;
- corporate headquarters approval delay; or
- change in ETC/Program Manager
- sale of the company

***Result if Approved***

Employer will be granted up to 30 day extension per request. No more than 90 cumulative days of extensions in one year.

**IX. AFFECTED EMPLOYEES' ADJUSTMENT**

Employer is seeking the exclusion of a group of employees from its CTR Program and goal measurement because it feels these employees cannot participate.

***Criteria***

Significant numbers of employees must drive alone to work every day due to unique schedule or other work requirements and are required to use private vehicles for work purposes that cannot be used for ridesharing.

If a minimum of 20 employees or twenty (20) percent of total workforce, whichever is greater, remains after adjustment, goals are computed on that number of employees only. If fewer employees remain, employer may be exempted.

Conditions considered in assessing the request are:

- employee flexibility in scheduling start time;
- opportunities to telecommute or work alternative schedules;
- number of employees on similar schedules; and
- need for private vehicle to conduct work activities

Types of employees that could be excluded include:

- salespeople who report to the site between 6:00 a.m. and 9:00 a.m. but do not have company vehicles for off-site calls during the day; and are unable to use their vehicles for ridesharing on the commute trip, or
- shift workers that do not rotate as a group or rotate frequently (weekly) or irregularly

***Result if Approved***

Reduce the number of affected employees and apply CTR goals to that group only.

**X. ZONE MODIFICATION**

Employer is seeking to be measured against the base year values of a nearby zone because it feels that the characteristics of that zone match its characteristics more closely than those of the designated zone.

***Criteria***

Worksite is within three blocks or 1/4 mile of a CTR zone where conditions are more similar to the site characteristics than conditions in its designated zone.

Conditions considered are:

- accessibility of facilities and services;
- level of transit service amenities;
- location of sidewalks/pedestrian trails;
- parking cost, parking availability; and
- employment density

***Result if Approved***

Employer is assigned the higher zone value of contiguous zone.

**XI. PROGRAM MODIFICATION**

Employer is seeking to change or eliminate an approved program element because it feels it is not able to implement the element or it is not effective.

***Criteria***

Circumstances beyond the organization's control prevent the implementation of a program element as described.

Employer has tested an approved program element for at least 90 days and would like to replace it.

It is not acceptable for an employer to drop an element entirely without extraordinary cause or compensatory action, such as the addition of a new or more extensive element.

Examples of situations that may meet the criteria include:

- program element contingent on outside entity, such as a building manager, which hinders implementation;
- new transit service is initiated and employer would like to shift investment from another element to transit passes; or
- major unexpected event at site

Employers adding an element do not need to apply for a program modification. The addition should be included in the following annual report.

***Result if Approved***

The official approved program will be modified so site is in compliance.

## **XII. GOAL MODIFICATION**

Employer is seeking a reduction in goals because conditions make it impossible to meet existing goals.

***Criteria***

Beginning in 1995, goal modification may be applied for provided an employer can document with survey results that the worksite SOV rate is no less than ninety-five (95) percent compared to the designated zone rate of eighty-five (85) percent.

Access to alternative commute modes is significantly different than the zone as a whole because of factors related to the worksite, its work force, or characteristics of the business that are beyond the employer's control.

Zone modification and affected employees adjustment do not apply.

Documentation can be provided using the state goal measurement survey. A seventy (70) percent response rate is mandatory (no fill-in allowed).

***Result if Approved***

The employer's goals will be decreased to a level determined by the City in the next goal measurement year.

### **XIII. NON-COMPLIANCE/VIOLATIONS**

A violation, according to state law and local ordinance, is defined as:

1. Failure of existing or newly affected employers to identify themselves to the City within the time frames indicated in Section 5.64.060 of the CTR Ordinance;
2. Failure to submit a complete CTR program on time;
3. Failure to implement an approved CTR program or change an unacceptable program.
4. Failure to submit required documentation with annual reports; or
5. Submission of fraudulent data.

The maximum civil penalty that may be imposed per violation shall be \$250 per City business day for the period in which an employer is in non-compliance. The Hearing Examiner shall have authority to levy the maximum penalty per infraction. The City may authorize the City Attorney to collect the fines by appropriate legal action against the employer. The Hearing Examiner shall notify the City Council of any hearings scheduled as a result of the issuance of notices of violation of the CTR Ordinance.

There are no penalties for not meeting CTR goals. An employer's compliance will be judged by the level of effort expended in attainment of goals.

### **XIV. APPEALS**

Any affected employer may appeal the following types of decisions:

- Program disapproval
- Program exemption credit
- Adjustments
- Program amendments
- Exemptions

#### **Conference (Optional)**

An employer requesting reconsideration of a decision may first request a conference with the Planning Director, or his or her designee. Such a conference must be requested within ten (10) City business days of the decision, and shall be scheduled within thirty (30) days of the decision. When requesting a conference, an employer may indicate an intention to seek a recommendation from the Peer Review Board, and request that the conference be scheduled or continued after such a recommendation has been issued. The City shall issue a decision on the reconsideration request within ten (10) City business days of the completion of the conference.

## **Peer Review (Optional)**

If after holding a conference with the Planning Director, the employer would like further review of the appeal, a Peer Review may be requested. This review will function in an advisory capacity only.

## **Formal Appeals**

Appeals of administrative decisions such as; denial of credit and adjustments, goal modification, program amendment or exemption requests; rejection of a CTR program; and required program modification; will be heard by the City Council. Appeals must be requested within 30 days of the disputed decision. If the appeal is denied, the employer must comply with the decision or penalties will be assessed. The employer may appeal City Council decisions to the State Superior Court within 14 days.

Appeals of penalties assessed for failure to implement a CTR program, including:

1. failure to identify to the City;
2. failure to submit a program within the deadlines;
3. failure to submit required documentation;
4. submission of fraudulent data;

will be appealed to the Hearing Examiner. Appeals shall be within fifteen (15) days of the notice of penalty. The employer may appeal Hearing Examiner decisions to the State Superior Court within fourteen (14) days.

## **XV. REPORT TO COUNCIL**

City of Redmond staff will prepare a written executive summary based on biennial CTR survey results for the City Council, beginning in 1995 and coinciding thereafter with CTR goal measurement years. The Council will receive the staff report no later than 60 days after the survey results have been evaluated by the state and reported to the City.

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